

Town of Milton Off-Street Parking Waiver Policy

Zoning policies specify certain characteristics of the zone and help to ensure that those characteristics are maintained across all zones within the Town of Milton. In the process of establishing parking requirements the Town of Milton is sometimes engaged in a balancing act. The Town leaders must consider access, mobility, and traffic safety, but the Town also must encourage appropriate land use and traffic management, environmental protection and energy and resource conservation.

The Town must consider the parking that is already available nearby; on the street or on nearby properties that may be available for users of a particular use. On-street parking can be considered to reduce the amount of off-street parking required for these uses, or as a reserve should any particular use would require more parking than expected. On-street parking has the added benefit of acting as a buffer between pedestrians and traffic, increasing the attractiveness of walking.

Specific uses and demographic information are important tools for establishing context-specific parking requirements, or in this case off-street parking waiver policy, that better balance supply and demand for parking.

An off-street parking waiver may be required when strict compliance with Article VII of the Zoning Ordinance (Off-Street Parking Requirements) cannot be achieved in the design of a parking facility. Waiver requests will need to address landscaping, setbacks, or the number of parking spaces required by the ordinance. The Town of Milton Planning & Zoning Commission for projects within a designated Zoning District area may, by resolution, waive or modify the provisions as herein set forth. Where, in the judgment of the Planning and Zoning Commission, the parking requirements

Commission. The applicant will be notified of the Planning and Zoning Commission decision in writing.

Town of Milton, Sussex County, Delaware Chapter 220 Zoning

Article VII Development Guidelines



**OFF-STREET PARKING
REQUIREMENTS WAIVER
APPLICATION**

DRAFT COPY – NOT FOR USE

This form and supplementary documents shall be submitted to the Town of Milton Project Coordinator not later than the first Tuesday of each month. The Planning & Zoning Commission meets on the third Tuesday of each month at 6:30 pm in the Milton Public Library, unless noticed otherwise. Please refer to www.milton.delaware.gov for all Meeting Notices/Events.

Date of application _____

Type of application:

1. Residential ☐
2. Commercial
 - a. Retail ☐
 - b. Office ☐
 - c. Other Commercial/Light Industrial ☐
3. Non-profit/Educational/Religious ☐

Applicant Name or Organization _____

Representative Name & Title _____

Address of Property _____

Name and Address of Property Owner (if different) _____

Contact Phone #/e-mail address _____

Supplementary documents required:

1. Request/justification letter ☐
2. Three copies of a site/landscape plan ☐
3. List of adjoining and confronting property owners, including any affected citizens' associations ☐

Access/Egress Street Location _____

Number of Spaces Required _____

Frequency and Hours of Requirement _____

Reviewed by Project Coordinator (date) _____

Reviewed by Town Engineer (if required) _____

Public Hearing Scheduled (date) _____

Town of Milton

115 Federal St
Milton, DE 19968



www.milton.delaware.gov

Phone: 302-684-4110

Fax: 302-684-8999

April 22, 2013

Memorandum

To: Mayor Jones and Town Council
From: Win Abbott, Town manager
Re: Parking Requirements
CC: Robin Davis, Project Coordinator

This memo comes in response to repeated inquiries on behalf of St. John's Episcopal Church. The inquiries date to October 2012. I respectfully request that Council consider that matter of parking requirements set forth in Chapter 220 of the Milton Municipal Code and provide direction regarding a response – or referral to a committee.

The Zoning Ordinance (220-42, Off Street Parking Requirements) of the Municipal Code details where parking may or may not be allowed. It details the number of spaces required, by the Permitted Use of a structure. Finally, it details the construction and landscaping requirements of the same.

There are regular occurrences of non-compliance with this ordinance. And, while a process for a waiver is provided, there is no evidence that this process has been followed.

Our Code Enforcement Officer may find occasion to cite non-compliant residential behavior. Uniform enforcement (equal protection) would be in the best interests of the Town of Milton. This means that our commercial and, particularly, our non-profit enterprises would be affected. The construction and landscaping requirements of the ordinance would be a hardship for the non-profits. A copy of the sections that create a hardship is on the reverse of this page.

There is no policy that provides guidance to the Planning and Zoning Commission when considering a waiver. The relevant text of the code is as follows:

Off-street parking waiver. Off-street parking requirements may be waived in whole or in part upon finding by the Planning and Zoning Commission that:

- (1) Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use; or
- (2) Evidence of satisfactory off-site parking arrangements has been documented; or
- (3) The area in question is located within the Town Center District.

The Council may authorize the development of a policy directive regarding the periodic use of off-street parking by non-profits and their "guests". The policy directive would clarify the term "satisfactory off-site parking arrangements" so that the Planning and Zoning Commission may be empowered to render a broad interpretation of the law – as opposed to a very narrow interpretation.